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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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9 Cynthia Miller, an unmarried woman,
10 Plaintiff,
11 v.
12 Nancy A. Berryhill,
13 Acting Commissioner of Social Security,
14 Defendant.

No. CV-17-0518-TUC-BGM

ORDER

15 Currently pending before the Court is Counsel for Plaintiff's Motion for Award
16 Attorney Fees Under the Equal Access to Justice Act, 26 U.S.C. § 2412(d) (Doc. 22).
17 Defendant does not object to the fees requested. *See* Def.'s Response to Pl.'s Mot. for
18 Attorney Fees (Doc. 24). Having reviewed the same, and good cause appearing, IT IS
19 HEREBY ORDERED that Plaintiff's motion (Doc. 22) is GRANTED.

20 IT IS FURTHER ORDERED that Plaintiff be awarded attorney's fees of
21 \$3,227.96 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d).

22 EAJA fees awarded by this Court belong to the Plaintiff and are subject to offset
23 under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). *See Astrue v.*
24 *Ratliff*, 560 U.S. 586, 595–98, 130 S.Ct. 2521, 2528–29, 177 L.Ed.2d 91 (2010). As
25 such, IT IS FURTHER ORDERED that if, after receiving this Order, the Commissioner
26 determines upon its effectuation that Plaintiff does not owe a debt that is subject to offset
27 under the Treasury Offset Program, fees will be made payable to Plaintiff's attorneys. If,
28 however, there is a debt owed that is subject to offset under the Treasury Offset Program,

1 the remaining EAJA fees after offset will be paid by a check made out to Plaintiff, but
2 delivered to Plaintiff's attorneys. Any check for EAJA fees shall be mailed to Plaintiff's
3 counsel at the following address: Hallinan & Killpack Law Firm, 5240 East Pima Street,
4 Tucson, Arizona 85712.

5 Dated this 26th day of April, 2019.

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8 Honorable Bruce G. Macdonald
9 United States Magistrate Judge

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